

REMARKS

Claims 1-82 are currently pending in the application. Applicants note that claim numbers 29 and 47 were inadvertently omitted in the originally filed claims, however, the claim numbers have been corrected in the amendments set forth above. Applicants have cancelled Claims 3, 5 and 29-82 without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the cancelled claims in this or any other patent application. Applicants have amended Claims 1, 4, 6-9, 13-16, 21, 23-26 and 28. Applicants have added new Claims 83-86. The amendments to the claims add no new matter and are fully supported by the specification and claims as originally filed. Support for the claim amendments can be found, for example, on page 11, lines 2-10, page 36, lines 10-29, page 36, line 32- page 37, line 11, page 37, lines 14-28, page 37, line 31 - page 39, line 23; and elsewhere throughout the specification.

Response to Restriction Requirement

In response to the requirement for election of species, Applicants elect for the purpose of examination only, and pursuant to linking claim practice, embodiments wherein the injury treated is ischemia, embodiments wherein the type of cells administered comprise stem cells, and embodiments wherein the specific gene for modification is PLGF. Claims 1, 2, 4-28 and 83-86 read on the elected species.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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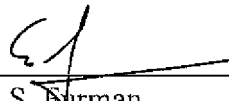
CONCLUSION

The undersigned has made a good faith effort to respond to the Restriction Requirement. Nevertheless, if any undeveloped issues remain, or if any issues require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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